

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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HUGH G. SMITH, et al.,

Plaintiffs,

-against-

COUNTY OF NASSAU and MICHAEL SPOSATO,  
Sheriff of Nassau County,

Defendants.  
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FEUERSTEIN, J.

On September 14, 2012, thirty-nine (39) incarcerated pro se plaintiffs, who are inmates at the Nassau County Correctional Center, filed an amended complaint, alleging that defendants Nassau County and Sheriff Michael Sposato ("defendants") have violated their constitutional rights by denying them certain accommodations regarding their religious practices. [Docket Entry No. 7]. On October 1, 2012, plaintiffs and defendants filed cross-motions for summary judgment. [Docket Entry Nos. 98, 106]. On May 1, 2014, Magistrate Judge Gary R. Brown issued a Report and Recommendation (the "Report") that this Court grant defendants' motion for summary judgment and deny plaintiffs' motion for summary judgment. [Docket Entry No. 157]. Mail sent by the Court enclosing a copy of the Report to thirty-three (33) of the thirty-nine (39) plaintiffs ("Thirty-Three Plaintiffs")<sup>1</sup> was returned to the Court as undeliverable. On May 30, 2013, the Court ordered the Thirty-Three Plaintiffs to provide the Court with a new address and telephone number on or before June 16, 2014. [Docket Entry No. 192]. None of the Thirty-Three Plaintiffs have provided the Court with updated contact information. No objections to the

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<sup>1</sup> The Thirty-Three Plaintiffs are Joshua Salmal, Richard Pierre, Brian Spann, Ramel Williams, Emania Shepard, Bashir Ward, Levaughn Tingle, Leroy Nelson, Julio Cruz, James Merriweather, Corey Middletown, Loucius Griffin, Raymond Cagiano, Joseph Louis, Laurence Gregory, Felix Burgos, James McGuire, William Wade, Kaisen Watkins, Anthony Trimble, Bryan Smith, Devon McCrimmon, Michael Benitez, Derrick Harden, Terrell Lee, Bernard Sullivan, Lemony Storel, Jerod Plowdew, Robert Cochran, Steven Bowens, Mohamed Tawfik, Damon Banner, and Kasim Taylor.

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Report have been filed. For the reasons that follow, the Court adopts Magistrate Judge Brown's Report in its entirety.

#### I. Standard of Review

Any portion of a report and recommendation on dispositive matters to which a timely objection has been made is reviewed by the district court *de novo*. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court, however, is not required to review the factual findings or legal conclusions of the magistrate judge as to which no proper objections are interposed. *See Thomas v. Arn*, 474 U.S. 140, 150, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). To accept the report and recommendation of a magistrate judge on a dispositive matter to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. *See Fed. R. Civ. P. 72(b); Johnson v. Goord*, 487 F. Supp. 2d 377, 379 (S.D.N.Y. 2007), *aff'd*, 305 F. App'x 815 (2d Cir. Jan. 9, 2009); *Baptichon v. Nev. State Bank*, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004), *aff'd*, 125 F. App'x 374 (2d Cir. Apr. 13, 2005). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

#### II. Analysis

No objections to Magistrate Judge Brown's Report have been filed. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts the Report in its entirety. For the reasons set forth in the Report, plaintiffs' motion for summary judgment motion is DENIED and defendants' motion for summary judgment is GRANTED. Furthermore, the Thirty-Three Plaintiffs' claims are dismissed with prejudice, on an independent ground, for an failing to provide the Court with an updated address and telephone number, in

violation of this Court's May 30, 2014 order. The Clerk of Court is respectfully directed to close this case.

In accordance with Rule 77(d) of the Federal Rules of Civil Procedure, the Clerk of Court shall serve a copy of this order upon all parties, including mailing a copy of this order to the *pro se* plaintiffs, and shall record such service on the docket.

**SO ORDERED.**

s/ Sandra J. Feuerstein

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Sandra J. Feuerstein  
United States District Judge

Dated: June 18, 2014  
Central Islip, New York